

Indiana Pro Bono Commission 230 East Ohio Street, 4th Floor Indianapolis,IN 46204

Indiana Bar Foundation 230 East Ohio Street, Suite 110 Indianapolis, IN 46204

COMBINED 2002 DISTRICT REPORT, 2004 PRO BONO GRANT APPLICATION, AND 2004 PLAN

Pro Bono District: 2

Applicant: <u>District 2 Pro Bono Legal Services Committee</u>

Mailing Address: 1000 S. Michigan Street

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E-mail address: probon2@ yahoo.com

Judicial Appointee: Hon. Peter J. Nemeth, Judge, St. Joseph Probate Court

Plan Administrator: <u>Sherry L. Clarke</u>

Names of Counties served: Elkhart, Kosciusko, Marshall, and St. Joseph

Amount of grant received for 2002: \$35,000.00

*Amount of grant unused from 2002 and previous years: \$3,714.71 (2002)

plus \$3,593.65 (2001) = \$7,308.36.

*Amount of grant unused but committed to expenses in 2003: \$7,308.36.

Amount of grant received for 2003: \$ 40,480.00

Amount requested for 2004: \$ 67,050.00

* Please submit request for approval to the Indiana Bar Foundation.

PRO BONO DISTRICT NUMBER 2 LETTER OF REPRESENTATION

The following representations, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

Operation under Rule 6.5

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within our district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to Rule 6.5 (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to Rule 6.5 (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;
- C. implement the district pro bono plan and monitor its results;
- D. submit an annual report to the Commission; and
- E. forward to the Pro Bono Commission for review and consideration any requests which were presented as formal proposals to be included in the district plan but

were rejected by the district committee, provided the group asks for review by the Pro Bono Commission.

Commitment to Pro Bono Program Excellence

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

- 1. Participation by the local bar associations. The associations believe the program is necessary and beneficial.
- 2. Centrality of client needs. The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available. The staff and volunteers are respectful of clients and sensitive to their needs.
- **3. Program priorities.** The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal services and other programs serving low-income people to assist in this process.
- **4. Direct representation component.** The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.
- 5. Coordination with state and local civil legal service programs and bar associations. The programs work cooperatively with the local funded civil legal services programs. The partnerships between the civil legal services programs and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.
- 6. Accountability. The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.
- 7. Continuity. The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.
- **8. Cost-effectiveness.** The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.
- **9. Minimization of barriers.** The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

- **10.** Understanding of ethical considerations. The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided.
- 11. ABA Standards. The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

Explanation of items stricken from the ab	ove Letter of Representation:
It is understood that this Letter does not documents required by the Indiana Bar F sion.	
Signatures:	
Judicial Appointee Signature	Date
Plan Administrator Signature	 Date

2002 REPORT AND 2004 PLAN SUMMARIES

1. In 125 words or less, please write a brief summary of your District's 2002 progress suitable for use in press releases.

Volunteer pro bono attorneys in Elkhart, Marshall, Kosciusko and St. Joseph Counties assisted a record number of low-income persons and families in 2002. The number of cases (258 in all) accepted by pro bono attorneys was more than double the number of cases accepted in 2001. In response to the need, forty new attorneys signed up during the year to assist low-income applicants. The Indiana Legal Services South Bend office, the District 2 Pro Bono Program, and the St. Joseph County Bar Association presented a luncheon the first Monday in October at which 125 attorneys were honored for their pro bono service. Special awards were presented to three attorneys and three law firms who had made exceptional commitments to pro bono services during the year.

In 125 words or less, please write a brief summary of the 2004 grant request suitable for use in press releases related to any grant award. Suggested areas to cover are: needs to be addressed, methods, target audience, and anticipated outcomes.

The District 2 Pro Bono Legal Services Committee is committed to increase the availability of pro bono representation, particularly where safety of children and basic necessities of life are in jeopardy. In 2004, we will seek to increase the number of attorneys who are willing to render free services to low-income applicants by co-sponsoring continuing legal education programs, making presentations at bar association meetings, soliciting new attorneys to join volunteer panels, and through direct mailings to registered attorneys throughout the district. We also will continue to provide an intake and referral system which supplements services provided by Indiana Legal Services, the Notre Dame Legal Aid Clinic, and Elkhart Legal Aid Services.

2002 REPORT

In the next two pages, describe your District's 2002 achievements and activities in relation to the plan approved for 2002 funding. It is permissible to include a relevant number of appendices to further describe 2002 achievements. Please number and reference the appendices.

- A. Increasing pro bono referrals and attorney participation.
 - In 2001, a total of 120 cases were referred to pro bono attorneys, principally through the Legal Services Program of Northern Indiana, Inc. (now Indiana Legal Services, Inc.). A survey of attorneys showed that 186 attorneys in the four counties comprising District 2 were willing to accept pro bono referrals.
 - 2. In cooperation with the Indiana Legal Services pro bono coordinator, we established a panel of pro bono lawyers for each county, categorized by types of cases they were willing to accept. Some 40 new attorneys were recruited through direct mailings, the ISBA Talk to a Lawyer initiative, the First Monday in October recognition luncheon, and one-on-one recruitment by the Plan Administrator, all described below.
 - 3. During the year 2002, the number of pro bono referrals in District 2 more than doubled. Referrals by Indiana Legal Services, the District 2 Pro Bono Program, the St. Joseph County Bar Association, and the Michiana YWCA totaled 258. There was a significant increase in attorneys taking pro bono cases for the first time, as well as an increase in those willing to accept more than one referral at a time.
 - 4. In addition to the cases counted above, bar association presidents in Elkhart, Goshen, Plymouth, and Warsaw made referrals for pro bono as well as fee-generating cases. These busy officers did not track these pro bono referrals, but they represent a significant additional component of pro bono services rendered by District 2 attorneys.
 - 5. In Kosciusko County, an important outreach program continued through the auspices of Combined Community Services in Warsaw. A total of 14 volunteer attorneys met with and provided advice to 74 low-income persons at the CCS center during calendar year 2002.
 - 6. The St. Joseph County Bar Association sponsored two "Ask a Lawyer" call-in programs on the local public television station WNIT in May and October, as well as a walk-in program at the St. Joseph Co. Public Library the evening of May 28, 2002. A total of 23 lawyers consulted with approximately 120 persons during these sessions.
- B. Improvement of Administrative Support.
 - During 2002, the Plan Administrator developed a referral system in coordination with Indiana Legal Services and the St. Joseph County Bar Association. The District 2 Pro Bono Program received calls from applicants to ILS, Elkhart Legal Aid Services, and Notre Dame Legal Aid Clinic who were denied due to conflicts of interest or overcapacity. In addition, as our program became more widely known, referrals were received from county courts, the St. Joseph County

2002 REPORT, CONTINUED

Bar Association, local hospitals, churches, the YWCA, Madison Center, AIDS Ministries, Youth Services Bureau, REAL Services, and the Center for the Homeless.

- 2. The Plan Administrator established and conducted a thorough intake interview process for each applicant and a method of screening cases for eligibility, merit, and priority. The reported intake information and copies of relevant court documents were then forwarded to a panel member, and the attorney's consent obtained before the applicant was notified of the referral. A follow-up letter was sent at the time of referral, along with information about reimbursement of litigation expenses.
 - Case status reports are requested every 4-6 months from each attorney. A final closing form asks the attorney to report the number of attorney and support staff hours devoted to the case, how many clients were served, the closing date, and the results obtained in the case.
- 3. Professional liability insurance was obtained in January, 2002, which provided primary coverage for the volunteer attorneys as well as the committee and plan administrator's work.
- 4. Mentors and specialized panels. On attorney participation forms mailed in September, 2002, we solicited attorneys willing to act as mentors and mediators, in addition to accepting case referrals in specified areas of law. (A sample form is found in Appendix 1.) The responding attorneys were entered into a data base organized by specialty and willingness to act as mentors or mediators. They were also forwarded to Indiana Legal Services to be added to their volunteer lawyer panels. Both programs continue to share information so that attorneys who have recently accepted referrals from the other program are not asked to take a new case.

C Recruitment Efforts.

- 1. First Monday in October. The Plan Administrator, together with the St. Joseph County Bar Association Pro Bono Committee and Indiana Legal Services, planned a joint recognition and recruitment program in the fall of 2002. We developed a one-hour CLE presentation by Dean Thomas Shaffer which was approved for luncheon attendees. A letter describing the pro bono program, an attorney participation form, and an invitation to the October 7 luncheon were mailed to all St. Joseph County attorneys. (See Appendix 1.) We prepared a joint honor roll of 125 attorneys who had provided pro bono service either through ILS or the District 2 Pro Bono Program during the preceding year. Their names were listed in the luncheon program and on individual certificates. (Examples of each are found in Appendix 2.) Judge Nemeth presented certificates and special awards to approximately 40 attorneys at the luncheon, and the remaining honorees received theirs by mail.
- 2. Talk to a Lawyer Live. During the last two months of the year, the Plan Administrator participated in preparations for the Martin Luther King Day "Talk to a Lawyer Live" program. We solicited attorney participation through the St. Joseph County Bar newsletter, supplementing the Res Gestae ads and e-mails sent to ISBA panel members. We devoted many hours to planning and coordinating the associated CLE program. As a result of this activity, 13 new attorneys were recruited to join our probono panels.
- 3. Other Methods. The Plan Administrator continued to recruit new attorneys through referrals from existing volunteer attorneys, soliciting new members of the local bar associations, attending meetings of family law attorneys, and referrals from the Indiana Judiciary Pro Bono web site.

2002 VOLUNT				
Legal Service Provider Agency or Organization (Include Bar Associa- tions)	Number of Participating Volunteer Lawyers	Number of Volunteer Lawyer Hours Re- ported on Cases Closed in 2002	Number of Open Volunteer Lawyer Cases	Number of Low-income Citizens Re- ceiving Lim- ited Legal In- formation from Volun- teer Lawyers*
Indiana Legal Services	121	642	197	
District 2 Pro Bono Pro- gram	60	259	69	
St. Joseph County Bar Association	7		9	(120)
Kosciusko Co. Combined Community Services				74
YWCA of St. Joseph County	2		2	

^{*}This category includes Volunteer Lawyer public outreach to low income citizens for a one-time, limited contact such as call-in or walk-in information services, pro-se clinics and panel presentations. Please put in parentheses the number of citizens whose income was not determined.

Definitions:

Case: A legal matter referred to a pro bono attorney volunteer

Participating Volunteer Lawyer: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program.

2002 VOLUNTEER LAWYER ACTIVITY, CONTINUED *

Please list any volunteer lawyer activity category utilized by the organization receiving Pro Bono funding which was not included in the previous table. Include the definition and 2002 statistics for the category.

In order to make reporting more consistent and concise in the future, please list the various categories used by legal service providers in your district for recording volunteer lawyer activity. Define each category. (If more than one agency or organization has the same category and definition, please list it once, indicating the number of organizations using the category.)

- 1. Open cases referred to private attorney (pro bono) volunteers.
 - A case is defined by Indiana Legal Services as "the provision of permissible legal assistance to an eligible client with a legal problem, or a set of closely related legal problems, accepted for assistance through an established intake system."
- 2. Closed private attorney (pro bono) cases.
- 3. Open private attorney (pro bono) cases carried over to the next calendar year.

2002 VOLUNTEER LAWYER ACTIVITY BY TYPE OF CASE

Number Of Lawyers Participating In Pro Se Clinics, Call-In Services And Other Limited Informational Activities in 2002: 37.

Type Of Case (Primary Issue)	Total Of All District Legal Service Provider Active Cases Assigned To And Accepted By A Volunteer Lawyer.
Consumer/Finance	35
Education	1
Employment	1
Family	146
Guardianship	34
Juvenile	
Health	5
Housing	28
Immigration/Naturalization	1
Income Maintenance	5
Individual Rights	
Mediation	1
Wills & Estates	14
Other (specify): Tort defense Name change Non-profit incorporation Limited drivers license	2 2 1 1
Total Number of Cases	277

2004 PLAN AND REQUEST

In the following two pages, describe items or activities planned for 2004 for which funding is requested.

If a special event, such as a pro se clinic, volunteer banquet, or Continuing Legal Education seminar is planned, please include the total projected cost of the event in parenthesis at the end of the descriptive paragraph.

A. District 2 Pro Bono Program.

Currently, the District 2 Pro Bono Program receives calls from individuals whose cases present potential conflicts for the three free legal services programs in the district—Indiana Legal Services, Notre Dame Legal Aid Clinic, and Elkhart Legal Aid Services. In addition, bar associations, social service agencies, hospitals, and many other organizations refer individuals to our program. The intake is performed by the plan administrator, who evaluates cases for eligibility, merit, and case priority. The plan administrator then attempts to find a pro bono volunteer willing to take the case. In other cases, if possible, limited advice or referral to another resource is given. Periodically, and at the conclusion of the case, status and final reports are requested, and thank-you letters are written to each attorney.

Because this intake and referral activity is given the highest priority, the plan administrator has insufficient time to devote to recognition and recruitment activities, which are essential to developing and nurturing our most valuable resource—our pro bono volunteers. Accordingly, a key element of the District 2 Plan for 2004 is employment of an office assistant who will help with intake, record-keeping, correspondence, and other administrative duties, so that the plan administrator can spend more time developing closer and more supportive ties with member the bench and bar in each county. To that end, we have added \$17,335 to the 2004 budget to cover salary and benefits for such a person, and \$1,500 to purchase a computer system and desk for that employee's use. We have also included \$1,200 in the line item "contract services to program" for the purpose of maintaining and enhancing the computer data program which we had designed and installed this year.

B. Continuing Education Program.

The District 2 Committee, in cooperation with the Indiana Legal Services volunteer lawyers program, will plan a district-wide day-long continuing legal education program which will provide attorneys with CLE credit at a nominal cost in exchange for accepting two referrals from either Indiana Legal Services or the District 2 Pro Bono Program. The costs of preparing materials, rental of a facility, provision of food and beverages, reimbursement of speakers, and other incidental costs is estimated to be \$2,000. We have also included an extra \$1,000 in the category of "marketing and promotion" to cover costs of mailings and local recognition and recruitment events during the year.

2004 PLAN AND REQUEST, CONTINUED

C. Local Bar Association Activities.

The members of the Pro Bono Committee of the St. Joseph County Bar Association, as well as the staff and officers of the Bar Association, provide invaluable support, ideas, and volunteers for the District 2 programs in that county. The judges and bar association officers who serve on the District 2 Pro Bono Legal Services Committee likewise provide invaluable insight, advice and support in managing and improving our activities.

During 2004, we will solicit each bar association in the district to work more closely with our committee to support our recognition and recruitment efforts, to identify new bar members and other potential volunteers, and help us better coordinate our service to their communities. We plan to make written materials available more frequently for bar newsletters; and to attend meetings of each bar association at least once during the year to promote our program and solicit feedback on how we do better. Finally, we will continue to work with bar association officers to develop better means of recognizing and rewarding pro bono volunteers in their communities.

2004 PRO BONO DISTRICT ACTIVITIES

Please check the activities, which <u>your district organization</u> will provide during 2004 to support the probono efforts of the attorneys in your district. If the activity is provided by another organization in your district, please put a plus sign (+) in the blank following the activity.

<u>X</u>	Providing intake and screening of prospective clients
X_	Providing referral of prospective clients
<u>X</u>	Matching cases with individual attorney experience
<u>X</u>	Establishing and/or maintaining specialized panels of volunteer lawyers based on area of practice emphasis
<u>X</u>	Providing resources for litigation and out-of-pocket expenses
X	Providing legal education and training for pro bono attorneys in areas of practice emphasis useful in providing pro bono civil legal service
<u>X</u>	Providing the availability of consultation with attorneys whose practice concentration is in an area of law about which a volunteer lawyer is providing pro bono civil legal service (mentoring)
<u>X</u>	Providing malpractice insurance for volunteer pro bono lawyers
<u>X</u>	Establishing and/or maintaining procedures to ensure adequate monitoring and follow-up
<u>X</u>	Establishing and/or maintaining procedures to measure client satisfaction
<u>X</u>	Recognizing pro bono civil legal service by lawyers
	Providing community outreach, legal education services or programs
	Other
	Other

2004 PRO BONO DISTRICT ACTIVITIES, continued

- 1. List the <u>joint</u> efforts, activities or programs in which your district organization will be involved. Please include the name of the other organization(s), a brief description of the activity and a description of the resources provided to the effort by all participating organizations.
 - a. <u>Elkhart Bar Association</u>, <u>Goshen Bar Association</u>, <u>Marshall County Bar Association</u>, <u>and Kosciusko County Bar Association</u>. We hope to utilize bar newsletters to better publicize our activities, and we plan to attend meetings of each bar association in the district at least once a year (if they will have us). We will continue to focus on recruitment of new attorneys and family law attorneys in each county. Another priority is to assist each bar association to establish a mechanism for tracking the many probono referrals now made on an informal basis.
 - b. <u>St. Joseph County Bar Association</u>. We will continue to participate in meetings and activities of the energetic Pro Bono Committee of this association, and to work with the executive director to coordinate and track pro bono requests and referrals. One specific goal is to coordinate the existing pro bono efforts with proposed new reduced fee/modest means program.
 - c. <u>Free legal services programs</u>. Robert L. Jones, Jr., the new executive director of the Notre Dame Legal Aid Clinic, and Marie Waring Mengel, director of the Elkhart Legal Aid Service, both joined the District 2 Committee within the past year. We are committed to work more closely with these programs, even as we continue to work closely with Indiana Legal Services, to better plan and coordinate client intake, screening, and recruitment of pro bono volunteers. We all are seeking to increase the number of low-income persons who are assisted, whether through staff assistance or pro bono referrals.
 - d. <u>Joint CLE program.</u> Indiana Legal Services has agreed to co-sponsor and assist in planning, recruiting speakers, and coordinating a district-wide CLE program at the end of the calendar year. Due to budget constraints, ILS cannot commit financial resources to this program. District 2 is willing to bear the costs for this joint CLE seminar, as it is a proven means of recruiting and rewarding volunteer attorneys.
- 2. Number of cases in your district awaiting assignment to a Volunteer Pro Bono Attorney as of the date this report is prepared: <u>22.</u>
- 3. Percentage estimate of the types of cases awaiting assignment: <u>Family law 82%; guardian-ships and adoptions– 18%.</u>
- 4. List the efforts that will be made to recruit new pro bono volunteer lawyers:
 - a. Solicit attorneys through local bar associations and sections.
 - b. Focus on recruiting new attorneys or attorneys new to the district.
 - c. Attend local bar meetings and furnish items for newsletters.
 - d. Direct mailings to all registered attorneys.
 - e. District-wide continuing education program (described above).
 - f. Continue one-on-one recruitment by existing panel members.

2004 DISTRICT BUDGET FORM

COST CATEGORY	IOLTA\$	OTHER\$	DONATED	TOTAL	2003 Revised & Estimated
A. Personnel Costs					
1. Plan Administrator	30,000				30,000
2. Lawyers					
3. Paralegals					
4. Others	15,000				500
5. Salary Subtotal	45,000				30,500
6. Employee Benefits	8,250				5,414
7. Total Personnel Costs	53,250				35,914
B. Non Personnel					
1. Occupancy			15,120		
2. Equipment Rental					
3. Office Supplies	1,200				1,100
4. Telephone	800				700
5. Travel	400				400
6. Training	1,000				900
7. Library					
8. Malpractice Insurance	2,000				1,774
9. Dues and Fees	200				200
10. Audit					
11. Contingent Reserve Fund for Operating Expenses	1,500				900
12. Marketing and Promotion	3,000				1,500
13. Litigation (Includes Expert Fees)	1,000				900
14. Property Acquisition	1,500				500
15. Purchase Payments					
16. Contract Services to Clients					
17. Contract Services to Program	1,200				3,000
18. Other					
19. Total Non Personnel Costs	13,800				11,874
C. Total Expenditures	67,050				47,788
1. Total Pgm Disbursements					
2. Litigation Fund *					

^{*}Reserves in this category are not required to be resubmitted to the IBF if not spent during the allocation calendar year.,

ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1: Checks distributed

July 1: Annual report, plan and grant application due to IPBC (23 copies).

November: Notification of awards

December 1: IBF grant agreement due and revised budget due (as needed)

LIST OF APPENDICES

APPENDIX 1

- 1. September 11, 2002 recruitment letter
- 2. District 2 Pro Bono Attorney Participation Form
- 3. First Monday in October program and CLE registration form

APPENDIX 2

- 1. First Monday in October honor roll
- 2. Certificate of Appreciation